

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE BED BATH & BEYOND  
STOCKHOLDER DERIVATIVE LITIGATION**

**This Document Relates to All Actions**

**Master File No. 2:20-cv-08673-MCA-  
MAH**

**JOINT MOTION FOR  
EXTENSION OF TIME TO FILE  
MOTION TO SEAL PORTIONS OF  
CONSOLIDATED COMPLAINT**

Plaintiffs and Defendants respectfully request an extension of seven days – until December 8, 2021 – for the filing of a motion under Local Civil Rule 5.3 to seal portions of Plaintiffs’ Verified Consolidated Complaint (the “Complaint”) in the above-captioned shareholder derivative action. As grounds for this motion, the parties state as follows:

1. Starting on July 10, 2020, three related shareholder derivative actions were filed in this Court on behalf of nominal defendant Bed Bath & Beyond Inc. (“BBBY”).
2. On October 14, 2020, the Court entered an order [ECF No. 12] consolidating the three cases under the caption shown above and staying them pending disposition of a motion to dismiss the related securities class action captioned *Vitiello v. Bed Bath & Beyond Inc.*, No. 2:20-cv-4240-MCA-MAH (D.N.J.) (the “Securities Class Action”).
3. On August 3 and 4, 2021, the parties to the Securities Class Action and the parties to this consolidated derivative action (as well as the parties to related derivative actions pending in New York state court) participated in a mediation.
4. The parties to the Securities Class Action reached a proposed settlement that will be presented to the Court, but the parties to the consolidated derivative action have not yet reached any agreement to resolve this case.

5. For purposes of the mediation, BBY had provided Plaintiffs' counsel, pursuant to a confidentiality agreement, with certain confidential, nonpublic corporate documents.

6. Pursuant to a subsequent confidentiality agreement, BBY agreed that Plaintiffs' counsel could use the previously provided documents to draft an amended or consolidated complaint in this action, provided that the pleading be filed under seal.

7. On November 17, 2021, Plaintiffs filed their consolidated Complaint under seal, in accordance with the parties' confidentiality agreement. [ECF No. 20]

8. Under Local Civil Rule 5.3, Plaintiffs' motion to seal the Complaint (or any portions of it) is due on December 1, 2021.

9. Plaintiffs' counsel sent Defendants' counsel a copy of the Complaint with markings showing which portions Plaintiffs believe must be redacted pursuant to the parties' confidentiality agreement.

10. The parties have been working diligently to reduce the number of redacted paragraphs and the scope of the redactions.

11. However, because of interruptions over the Thanksgiving holiday weekend, the parties need additional time to continue their discussions.

12. All parties believe that judicial economy and the public interest would be served by minimizing the scope of redactions in the publicly available version of the Complaint.

13. The parties therefore request an additional week – until December 8, 2021 – for Plaintiffs to file their sealing motion under Local Civil Rule 5.3.

WHEREFORE, the parties respectfully request a one-week extension of Local Civil Rule 5.3's deadline, until December 8, 2021, for Plaintiffs to file their motion to seal portions of the Complaint.

Dated: November 30, 2021

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*Attorneys for Defendants and Nominal  
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SO ORDERED

/s/ Michael A. Hammer  
Michael A. Hammer, U.S.M.J.

Date: 12/1/2022